

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EZEKIEL JOHNSON, T-43903,)	
)	
Petitioner,)	No. C 10-4682 CRB (PR)
)	
vs.)	ORDER TO SHOW CAUSE
)	
TIM VIRGA, Acting Warden,)	
)	
Respondent.)	
_____)	

Petitioner, a state prisoner incarcerated at California State Prison, Sacramento, has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a conviction from Contra Costa County Superior Court.

BACKGROUND

Petitioner was convicted by a jury of first degree murder and of conspiracy to commit assault with force likely to cause bodily injury. A gang enhancement was found true as to each crime. Petitioner admitted a prior prison term allegation and he was sentenced to a total of 36 years to life in state prison.

1 Petitioner unsuccessfully appealed his conviction to the California Court
2 of Appeal and the Supreme Court of California, which on August 12, 2009
3 denied review of a petition allegedly raising the same claims raised here

4 **DISCUSSION**

5 A. Standard of Review

6 This court may entertain a petition for a writ of habeas corpus "in behalf
7 of a person in custody pursuant to the judgment of a State court only on the
8 ground that he is in custody in violation of the Constitution or laws or treaties of
9 the United States." 28 U.S.C. § 2254(a).

10 It shall "award the writ or issue an order directing the respondent to show
11 cause why the writ should not be granted, unless it appears from the application
12 that the applicant or person detained is not entitled thereto." Id. § 2243.

13 B. Claims

14 Petitioner seeks federal habeas corpus relief by raising several claims,
15 including jury selection errors, insufficiency of the evidence, improper admission
16 of evidence and instructional error. Liberally construed, the claims appear
17 cognizable under § 2254 and merit an answer from respondent. See Zichko v.
18 Idaho, 247 F.3d 1015, 1020 (9th Cir. 2001) (federal courts must construe pro se
19 petitions for writs of habeas corpus liberally).

20 **CONCLUSION**

21 For the foregoing reasons and for good cause shown,

22 1. The clerk shall serve a copy of this order and the petition and all
23 attachments thereto on respondent and respondent's attorney, the Attorney
24 General of the State of California. The clerk also shall serve a copy of this order
25 on petitioner.

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